

**SUBCHAPTER E : SPECIAL REQUIREMENTS FOR OSSFS LOCATED
IN THE EDWARDS AQUIFER RECHARGE ZONE**

§285.40. OSSFs on the Recharge Zone of the Edwards Aquifer.

(a) Applicability. In addition to the requirements given in this chapter, the following additional provisions apply to the Edwards Aquifer recharge zone as defined in §285.2 of this title (relating to Definitions) and is not intended to be applied to any other areas in the State of Texas.

(b) Additional application requirements for new OSSFs.

(1) All planning and design materials shall be submitted by a professional engineer or sanitarian registered in Texas.

(2) Site evaluation to be conducted by a certified site evaluator possessing a valid certificate.

(c) Conditions for obtaining a permit to construct. In order to obtain a permit to construct in the Edwards Aquifer recharge zone, the following conditions must be met.

(1) Minimum lot sizes. Each lot or tract of land on the recharge zone on which OSSFs are to be located must have an area of at least one acre (43,560 square feet) per single family dwelling.

(2) Minimum separation distances from recharge features. The following separation distances shall be maintained from recharge features found during a site evaluation or in accordance with a geologic assessment performed in accordance with Chapter 213 of this title (relating to Edwards Aquifer). No sewage treatment tank or holding tank may be located within 50 feet of a recharge feature. No soil absorption system may be located within 150 feet of a recharge feature.

(3) No OSSF may be installed closer than 75 feet from the banks of the Nueces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde county line to the recharge zone.

(d) Existing OSSFs. OSSFs licensed by, or registered with, the appropriate permitting authority at the time of adoption of this section shall remain licensed or registered under the terms and conditions of the current license or registration. Any relicensing shall be performed in accordance with §285.3 of this title (relating to Applicability). An OSSF installed on the recharge zone prior to April 11, 1977, in either Uvalde or Kinney Counties is not required to be permitted or licensed, provided the OSSF is not causing pollution, is not a threat to the public health, or is not a nuisance, and has not been substantially modified.

(e) Exceptions for certain lots. Lots platted and recorded with the county in its official plat record, deed, or tax records of the following counties prior to the dates for the counties indicated in this subsection, are exempted from the one-acre minimum lot size requirement, pursuant to the conditions of subsection (f) of this section.

(1) Kinney, Uvalde, Medina, Bexar, and Comal Counties--March 26, 1974;

- (2) Hays County--June 21, 1984;
- (3) Travis County--November 21, 1983; and
- (4) Williamson County--May 21, 1985.

(f) Notice. Any person, or his agents or assignees, desiring to construct a residential development with two or more lots in which OSSFs will be utilized in whole or in part on the recharge zone and desiring to sell, lease, or rent the lots therein, must inform in writing each prospective purchaser, lessee, or renter of the following.

(1) Each lot within the regulated development is subject to the terms and conditions of this section.

(2) A permit to construct shall be required before an OSSF can be constructed in the subdivision.

(3) A license to operate shall be required for the operation of an OSSF.

(4) Whether or not an application for a water pollution abatement plan as defined in Chapter 213 of this title (relating to Edwards Aquifer), has been made, and whether or not it has been approved, and whether any restrictions or conditions have been placed on that approval.

Adopted January 20, 1997

Effective February 5, 1997